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SUBJECT: TRAN HUU PHUOC LIKELY NOT A HUMAN RIGHTS CASE

REF: HCMC 435 B) 05 HCMC 994

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¶1. (SBU) Summary: Cao Dai believer Tran Huu Phuoc was imprisoned in April for two years for slander. He alleged that he was being persecuted for his religious and political beliefs. We believe that this is not/not a human rights or religious freedom case. Phuoc's legal troubles stem from his refusal to comply with routine civil obligations such as registering his household and his children's military draft status. End Summary.

¶2. (SBU) On June 9, we traveled to Tay Ninh province to investigate the human rights case of Tran Huu Phuoc (Ref A). Phuoc had claimed in a letter to ConGen that he was being persecuted for his political and religious beliefs. In April, Phuoc was sentenced to two years in prison for slandering government and religious officials. During the visit, we met with representatives of the provincial Committee for Religious Affairs (CRA) and the provincial External Relations Office. We also met with the Chairman of the GVN-recognized Cao Dai Executive Council, and the wife of Tran Huu Phuoc.

The Government View

¶3. (SBU) According to the Tay Ninh officials, Phuoc slandered 11 people, accusing them of corruption and of making threats against Phuoc's family. The 11 included Tay Ninh district police, Cao Dai church leaders and People's Committee officials who had interacted with Phuoc. The officials told us that problems with Phuoc began in 2001, when Phuoc's two children failed to register for military service. (Note: Vietnamese law mandates two years military service for males 18 years and older. End Note.) Phuoc ignored requests to submit civil documents and subsequent police summonses. The officials said it was at this time Phuoc began writing letters of complaint to provincial authorities and others. The contents of these letters initially focused on his claim that his children be exempt from military service, but gradually widened to include "slandering remarks" against officials. The officials acknowledged that Phuoc had written 40 to 50 letters to the Prime Minister and other national and international figures, including the UN SYG. The letters criticized the Cao Dai church's relationship with the GVN and its handling of land disputes, but were "not considered" in prosecuting Phuoc.

¶4. (SBU) By September 2005, frustration with Phuoc had risen to the point where the 11 aforementioned individuals had filed formal complaints against Phuoc. During the subsequent investigation, police sent Phuoc to a psychiatric clinic in Dong Nai province to evaluate Phuoc's mental capacity and to rule out mental instability. Phuoc was diagnosed as suffering from elements of "paranoid schizophrenia," but was found to be

competent to stand trial. According to officials, Phuoc's family then requested a second evaluation in March 2006. The family's claim was that he had suffered a head injury in 1982 and that he has been "unstable" ever since. Officials remarked that the family provided no evidence of Phuoc's injury and the second evaluation confirmed the original diagnosis. He was convicted of slander and sentenced to two years in prison. Officials claimed that a court-appointed attorney represented Phuoc. Following the trial, Phuoc filed an appeal requesting his sentence be reduced from 24 to 18 months. Tay Ninh officials stated that Phuoc's family has visitation rights but were unaware how often they visited. Some officials noted that Phuoc's sole motivation for contacting the U.S. Consulate for assistance was to seek resettlement in the U.S. and that "if we wanted him, Phuoc could go." (Note: In a letter to ConGen, Phuoc requested political asylum in the United States. End Note.)

The Official Cao Dai Perspective

15. (SBU) Cao Dai's Chief Clergyman and Executive Council Chairman Thuong Tam Thanh rejected Phuoc's claim that he was a Cao Dai clergyman. The Chairman remarked that Phuoc slandered elderly Cao Dai officials and made blasphemous remarks about the Cao Dai faith. The Cao Dai council had shown great leniency by not excommunicating him. The Chairman did not know why Phuoc accused government and Cao Dai officials. Phuoc had a reputation within the Cao Dai community as being "rude and abnormal".

Interview With Tran Huu Phuoc's Wife

16. (SBU) Before leaving Tay Ninh, we made an impromptu visit to Phuoc's home where we met with Phuoc's wife, Dang Thi Le. Mrs. Le acknowledged that Phuoc had verbally attacked provincial officials, but there were "elements of truth" to his charges. She said that her husband had never been a Cao Dai clergyman; he

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was a barber up until his arrest in April.

17. (SBU) Mrs. Le also confirmed the official account of the events that led to charges being filed against Phuoc in September 2005. In 2001, police had requested her husband to fill out a personal identification card as the original in the precinct had been lost. Her husband was annoyed by the police intrusion and dismissed them. The police subsequently wrote Phuoc a formal citation, which he also ignored. According to Mrs. Le, the police returned a few weeks later and informed Phuoc that his children had not registered for military service and cited the family for noncompliance with the law. The police also warned Phuoc that failure to register may jeopardize his children's employment prospects. It was at this point that her husband began writing to local authorities demanding that his children be exempted from military service because they were attending school in HCMC. Phuoc also complained about police visits to his home.

18. (SBU) Mrs. Le said Phuoc never showed her the letters he wrote. She was unaware of their political and religious content. According to Mrs. Le, the catalyst for her husband's inflammatory epistolary was his friends who had civil land disputes with other Cao Dai individuals and the Cao Dai church. Emboldened by his initial letters complaining of harassment, Phuoc's friends had him write complaints on their behalf.

19. (SBU) Mrs. Le said that her family was not threatened or harassed by police. She also confirmed that she insisted authorities re-evaluate her husband's mental condition. She admitted to us that she had intended to bribe doctors at the mental hospital to label Phuoc as mentally incompetent to stand trial.

110. (SBU) According to Mrs. Le, her husband did not have a

court-appointed attorney. She said that the family did not hire defense counsel because the family was poor and because she believed that he likely was guilty of slander, at least to some degree. Since the trial, she has visited Phuoc once. During the visit, she requested that he withdraw his appeal, fearing that the appeals court would increase the sentence. Mrs. Le added that Phuoc wishes to join his sister in the United States, where she has resided since 1995 under the humanitarian resettlement program. Phuoc already had his passport issued, although he had no immediate plan to go abroad prior to his own arrest.

¶11. (SBU) Comment: There clearly is at least some unease in Tay Ninh over the extent of GVN influence over the Cao Dai church. We also view with skepticism officials' claims that Phuoc's letter writing campaign played no role in him receiving the maximum possible sentence and a public show trial. That said, the information we developed in Tay Ninh, especially our interview with Mrs. Le, indicates that the imprisonment of Tran Huu Phuc is not/not a human rights or religious freedom case. Local officials tried to work with Phuoc for nearly four years before taking his case to court. It appears that Phuoc sought to engage religious freedom and human rights issues in a routine civil dispute he initiated with local officials, perhaps hoping to facilitate his immigration to the United States. End Comment.
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